

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

LETITIA DELKS and GEORGIA  
DICKERSON,

PLAINTIFFS,

V.

CITY OF SAVANNAH, SAVANNAH  
CHATHAM METROPOLITAN POLICE  
DEPARTMENT, JOSEPH H. LUMPKIN,  
SR., in his official capacity, OFFICER  
DARRYL REPRESS, individually and in his  
official capacity, and JOHN DOES.

DEFENDANTS.

CIVIL ACTION NO. CV 417 070

DEFENDANT DARRYL REPRESS' NOTICE OF REMOVAL

Comes now Defendant Darryl Repress ("Ofc. Repress"), and files this Notice of Removal from the State Court of Chatham County, Georgia to the United States District Court for the Southern District of Georgia, Savannah Division.

1. On March 14, 2017, Plaintiffs Letitia Delks and Georgia Dickerson filed their Complaint in the case Letitia Delks and Georgia Dickerson v. City of Savannah, Savannah Metropolitan Police Department, Joseph H. Lumpkin, Sr., in his official capacity, Officer Darryl Repress, individually and in his official capacity, and John Does, State Court of Chatham County, Georgia, Civil Action No. STCV1700401 (the "State Court Action"). On March 15, 2017, Ofc. Repress was served with a summons and copy of the Complaint. Ofc. Repress timely filed his Notice of Removal to this Court on April 11, 2017.

2. Plaintiffs assert causes of action against Defendants based on federal law,

including claims for damages under 42 U.S.C. § 1983.

3. The General Civil Case Filing Information Form (Non-Domestic), the Certification Under Rule 3.2 of Georgia's Uniform Superior Court Rules, the Summonses to Ofc. Repress, the City of Savannah, and the Savannah Chatham Metro Police Department, and the Complaint, copies of which are attached hereto, are the only process, pleadings, and orders served upon Ofc. Repress in this action.

4. This Court has jurisdiction in this matter on the basis of federal question jurisdiction, under 28 U.S.C. §§ 1331 and 1441.

5. Additionally, there is supplemental jurisdiction regarding the state law claims in this action under 28 U.S.C. § 1367.

6. The State Court Action was filed in the State Court of Chatham County. Generally, venue of an action removed from a State Court in Chatham County is in the Savannah Division of the United States District Court for the Southern District of Georgia. *See* 28 U.S.C. § 1441(a).

7. This Notice of Removal is filed within thirty (30) days of the date of Ofc. Repress' receipt of the Complaint and is therefore timely filed under 28 U.S.C. § 1446(b).

8. A copy of the intended written notice required by 28 U.S.C. § 1446(d) will be filed in the State Court Action and served on Plaintiffs upon the filing of this Notice of Removal.

9. All other Defendants in this case who have been served—City of Savannah, Savannah Chatham Metropolitan Police Department, and Joseph H. Lumpkin, Sr.—consent to removal, pursuant to 28 U.S.C. § 1446(b)(2)(A).

10. The Defendants styled "John Does" are not required to consent as only

Defendants who have been served must consent to removal. "John Does" are fictitious names and these individuals have not been properly served a copy of the initial pleading. Thus, pursuant to 28 U.S.C. §§ 1441 and 1446, John Does need not join in or consent to the removal of the action.

11. The required filing fee will be paid online.

This 11th day of April, 2017.

OLIVER MANER LLP

/s/ Patrick T. O'Connor  
PATRICK T. O'CONNOR  
Georgia Bar No. 548425

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Attorney for Defendant Darryl Repress

**CERTIFICATE OF SERVICE**

This is to certify that I have on this day served all the parties in this case in accordance with the directives from the Court Notice of Electronic Filing ("NEF") which was generated as a result of electronic filing.

This 11th day of April, 2017.

OLIVER MANER LLP

/s/ Patrick T. O'Connor

PATRICK T. O'CONNOR

Georgia Bar No. 548425

Attorney for Defendant Darryl Repp

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